THE RUBBER ASSOCIATION OF CANADA
ASSOCIATION CANADIENNE DE L'INDUSTRIE DU CAOUTCHOUC

OFFICE OF THE PRESIDENT

NHTSA-2000-8296-16

February 5, 2001

Mr. George J. Soodoo
Group Leader
Vehicle Dynamics Division
Office of Crash Avoidance Standards (NPS-22)
400 Seventh Street
Washington D.C. 20590
U.S.A

Dear Mr. Soodoo,

The Rubber Association of Canada is the national Canadian trade association representing manufacturers of products made from rubber, including their supplier industry.

The Canadian tire manufacturing industry is totally rationalized with that of the United States. Some eighty per cent of the product we make is exported; most of it to the United States and some eighty per cent of the product we sell is imported, also largely from the United States. Hence, tires are made in both Canada and the United States to be sold in both Canada and the United States. Furthermore, as a matter of Canadian Federal Government policy, the Canadian motor vehicle safety legislation is maintained in general regulatory harmony with U.S. motor vehicle safety legislation. As a result, almost all changes to U.S motor vehicle safety legislation initiated by NHTSA have, inadvertently or otherwise, a significant impact in Canada.

The RAC is therefore pleased to provide to NHTSA comment regarding Docket No. NHTSA-00-8296, which, among other issues, addresses the information currently provided to the tire consuming public, including that contained on the tire sidewalls as part of the manufacturing process.

Yours sincerely,

D. G. Campbell
President
The Rubber Association of Canada

Attach.

89 QUEENSWAY WEST, STE. 308, MISSISSAUGA, ONT. L5B 2V2 TÉL. (905) 270-8322 FAX. (905) 270-2640

The Rubber Association of Canada

National Highway Traffic Safety Administration
United States Department of Transportation

Docket No. NHTSA-00-8296

30 January, 2001

The Rubber Association of Canada is the national Canadian trade association representing manufacturers of products made from rubber, including their supplier industry. The RAC's tire manufacturing members include every major manufacturer of tires in the Western world. The Canadian industry is totally rationalized with that of the United States, and in the case of a few product lines, globally. Some eighty per cent of the product we make is exported, most of it to the United States. Conversely, some eighty per cent of the product we sell is imported, also largely from the United States. Michelin, Goodyear and Bridgestone operate seven very competitive tire-manufacturing plants in Canada, and between them, employ some 12,000 Canadians.

Hence, given that tires are made in both Canada and the United States to be sold in both Canada and the United States, and also given that, as a matter of government policy, the Canadian Motor Vehicle safety legislation is maintained in general regulatory harmony with U.S. Motor Vehicle safety legislation, almost all changes to U.S motor vehicle safety legislation initiated by NHTSA have, inadvertently or otherwise, a significant impact in Canada.

The RAC is therefore pleased to provide to NHTSA comment regarding Docket No. NHTSA-00-8296, which, among other issues, addresses the information currently provided to the tire consuming public, including that contained on the tire sidewalls as part of the manufacturing process.

In addition to responding to the 31 questions presented for public comment in the ANPRM associated with the TREAD Act, the RAC will also comment on the question of personal responsibility in the care and maintenance of tires, as well as the proposed mandated technical solution, that is, the matter of mandated on-board tire pressure monitoring devices.

Personal Responsibility

Notwithstanding possible in-use problems that may arise from technical, design, manufacturing or material shortcomings, the fundamental, and politically unpopular, reality is that the vast majority of tire failures are the direct consequence of inadequate proper care and maintenance. Over and above what is an evident decline in tire care on

the part of the general public, there is little evidence that the average North American vehicle owner/operator accepts the concept of his personal responsibility for tire care or maintenance.

That clearly being the case, we are concerned that within the current NHTSA process the possibility of some thoughtful legislation directed towards improving consumer acceptance of personal responsibility does not appear to be addressed. Would not such acceptance earn a far more productive return for the motoring public than a singularly mandated technical solution? Why is failure on the part of the owner/operator to operate his vehicle with safely inflated and otherwise properly cared for tires legally tolerated as being less important than his failure to operate that same vehicle on the public highway in a safe and responsible manner? The consequences of failure to do so, for both personal and the common well being, are too often frighteningly similar. While we do understand the limitations within which national vehicle safety legislation must operate, we still believe that there are opportunities within the current review to address this critical issue.

The Mandated Technical Solution

In a similar safety-related context, it is a fact that over fifty per cent of Americans do not regularly wear a seat belt. As a result, all North Americans pay the increased cost of having mandated air bag protection. This being so despite the fact that the simple use of seat belts affords more effective, and better, personal protection to vehicle occupants, or that Transport Canada studies confirm that over ninety per cent of Canadians regularly buckle up. In mandating air pressure monitoring devices, are we about to embark on yet another "technical solution by decree" to compensate for consumer resistance to accept personal responsibility? For example, notwithstanding that there were accidents attributed to tire tread separation, of the all the deaths and injuries resulting therefrom, how many were the direct consequence of ejection from the vehicle because of failure to wear a seat belt?

If these same consumers do not presently accept responsibility to wear a seatbelt, or for the care and maintenance of their tires, what basis is there to believe that they will any better accept responsibility to care for, and maintain, their tire pressure monitoring devices? Are we just setting our selves up to shift the blame, further down the road, from tire technology to tire pressure monitoring technology?

In view of the certain reality of potential future maintenance problems associated with the use of pressure monitoring devices particularly, for example, during the long and harsh Canadian winter, there is another potentially negative consequence inherent in mandating the current direction. That is, by forcing this particular technical solution, we may well delay, or even deter, the development of alternative and better solutions.

Technical solutions tend to be inherently more successful if they also cause consumers to participate in their implementation. To wit, in this case if they also address the shortcomings of failure to accept any personal responsibility for tire care. For example,

the use of a chip installed in either the tire, or perhaps better in the tire valve, one that could record for later down load the actual, as well as the recommended, inflation pressure. If that chip were to be readable at filling stations and lubrication bays, checking the tire pressure could become part of the operator's routine during filling operations, or the lube shop's lubrication service. This example is not submitted as prescriptive, but only to illustrate that there are other options.

Summary

The RAC accepts and understands the urgent need for some kind of "fix" to what is a critical and real issue of motoring safety. Within that context therefore, the foregoing comments should not be read as our being against the use of on board tire pressure monitoring devices. We are not. We do wish to stress, however, that

(a) In addition to implementing a technical "fix", the motoring consumer public must be encouraged, by legislation if necessary, to accept their individual responsibility to care for and maintain their tires - to fail to do so is to tread dangerously close to legislating a situation of motoring false sense of security.

(b) We must be very careful that, in legislating one direction of technical solution, we do not deter the development and implementation of others that may be more effective.

RAC's Response to NHTSA's 31 Questions Presented for Public Comment

1. Are consumers being given the information they need to maintain their tires properly, to determine how much weight (passengers plus cargo) they can safely place in their vehicles, and to identify tires that have been determined to be defective or non-compliant? What tire information is most important for consumers to have for safety and recall purposes?

Response: Consumers are being given adequate information. All the necessary information is presently contained between that found on the tire sidewall, in the tire manufacturers literature (usually in the glove box of new cars), within the vehicle assembler's warranty instruction booklet and on the vehicle placard. However, the reasons for requiring and mounting this information evolved piecemeal over a number of years, and for a number of often unrelated reasons. As a result, the manner in which tire technical information is displayed, or can be found, is neither clear nor consistent; to the point where even tire dealers and sellers are occasionally confused. There is, therefore, a case to be made for simplifying both the information itself, as well as the manner in which it is presented. Please refer also to the response in questions 4 and 6.

2. Do consumers read and correctly understand the information that they are currently receiving?

Response: The unfortunate reality is that the majority of consumers pay no attention to any of this information. They can do this given that, even when ignored, the vast majority of tires rarely fail; unfortunately to the point where consumers simply take them for granted. Hence, it may be fairly said that most consumers neither read nor correctly understand the information they are currently receiving from any of the sources that provide it.

3. Do consumers routinely use and correctly follow the guidance included in that information?

Response: No. See response to the question preceding.

4. What tire information do consumers want, how do they want it expressed, and where would they prefer to see that information located on their tires, or on their vehicles?

Response: Given that a given vehicle may use several different sets of tires during its operating lifetime, it is necessary that information specific to any particular tire currently mounted on the vehicle be found on the tire itself. The information should concur with that recommended on the vehicle placard.

The TIN might better serve the motorist if it could be prominently displayed on both sides of a tire and be of sufficient size as to be easily found and read. Tire size and type (e.g. winter mountain snowflake, all season, etc.), load range, speed rating and type of cord are all necessary information, and are best presented on the tire itself.

The information as to type and kind of tire, usage and load capacity and pressures should, logically, also be contained on the vehicle placard. However unlike current practice, the placard should be mounted consistently in the same place on all vehicles and be both easily found and readable.

Regulators must bear in mind that with the manufacturing technologies currently used by some tire makers, placing the TIN on both sides of the tire will present tire manufacturing workers with a serious potential safety hazard. It is, furthermore, a hazard that may well be unacceptable to, and in conflict with, provincial workplace safety legislation. In some cases new manufacturing procedures and equipment will have to be developed.

Should these changes be implemented, a suitable phase-in period of from three to five years would be necessary to avoid pecuniary costs to both manufacturers and consumers.

5. Based on the above discussion, how should the current requirements regarding the location of the TIN be modified, if at all, to make it easier for consumers to determine whether their tires are covered by a safety recall?

Response: See responses to questions number 4 and 6.

6. The agency originally proposed in 1970 that the TIN be marked on both sidewalls. At the time, the industry found that marking on both sides caused unsolvable (safety hazard) problems. Ten years later, the agency concluded that the potential safety hazard had either been eliminated or reduced to manageable proportions. Is this conclusion correct? Is there any other remaining safety hazard that is not addressable at reasonable cost?

Response: Conditional upon simplification of the information mandated as part of the tire marking process, coupled with a standardization of the mandated information contained on the vehicle tire placard along with a suitable phase-in period to educate the public the TIN should suffice being left on only on one side of a tire.

Regulators must bear in mind that with current and foreseeable available manufacturing technology, placing the TIN on both sides of the tire will continue to present tire manufacturing workers with a serious potential safety hazard.

See also response to question number 4.

7. What are the economic costs of requiring that the TIN appear on both sidewalls of some types of tires? Are there alternative available methods of manufacturing that would facilitate the placing of the TIN on both sidewalls?

Response: In order to answer this question, and in order that responses be comparable, we need a clearer definition of what is considered to be included in the term "economic costs". For example, see responses to question numbers 4 and 6 preceding.

8. Where in relation to the bead and the shoulder of the tire, should the TIN be positioned on the sidewall to ensure that consumers can easily locate it?

Response: Wherever the TIN be located, it must be easily locatable, visible and resistant as much as possible to scuffing; objectives which are arguably often in conflict. Resolution of these conflicts is, furthermore, complicated by other mandated marking requirements contained within the Act and the Regulations. While an intelligent resolution of this requires that the issue of tire sidewall marking be addressed broadly and concurrently, *the reality is that the TIN should likely remain in its current location.*

9. Should all of the information currently required in the TIN be retained or should the agency cease to require some of it? Should the agency require that any information be added to the TIN or otherwise be required to be shown on the sidewalls of the tire?

Response: At the moment, so much information is required to be shown on the sidewall of the tire that, coupled with changing tire technology, it is becoming increasingly difficult to comply with regulatory expectations. Requiring that the TIN contain additional information simply defeats the purpose, unless the whole issue of tire sidewall marking is given a broad review, one commensurate with a parallel and similar review of the information required or contained within the vehicle placard. See response to question four.

10. The current labeling requirement allows, at the option of the manufacturer, the use of up to four symbols in the TIN for marketing information. Should these optional symbols either be prohibited or separated from the mandatory portion of the TIN to shorten it? Would this facilitate the reading of the TIN and identifying recalled tires?

Response: While this question is deserving of consideration as part of a broad review and simplification of tire marking requirements, at the moment, there is no clearly apparent gain to be won from changing the present requirements within the TIN itself.

11. What type of changes to the appearance of the lettering and numbering would make it easier for consumers to read the TIN? Should raised letters with contrasting colours be required? If not, should other methods (e.g., reflectivity) be used to increase the readability of the TIN?

Response: See response to question 8 above.

12. What minimum should the NHTSA specify for the height of the symbols in the TIN?

Response: See response to question 8 above.

13. Should the maximum load rating in kilograms (kg)/pounds (lbs.) at the maximum permissible inflation pressure in pounds per square inch (psi) as is currently required by FMVSS Nos. 109 and 119, continue to be shown on the tire? Would a (sic) load index number be more effective or less effective in conveying the load limits of the tire to consumers?

Response: See response to questions two and four above. If there is no corresponding requirement to encourage consumers to accept their responsibilities for tire care and maintenance, the result of any change deriving from responses to this question is, for motoring consumers, likely to be largely academic.

14. Do consumers understand and effectively use the load index values that are now provided on some tires? When purchasing replacement tires, do consumers typically refer to the maximum load rating and /or the load index for their vehicle?

Response: The unfortunate reality is that the average consumer pays almost no attention to any of this information at any time. Our experience over many years, supported by considerable anecdotal evidence, is that when purchasing replacement tires, consumers either simply try to buy the same size, usually at the cheapest price they can find, or turn to the tire seller to provide the proper tires. While most tire dealers do properly select and mount the correct replacement tires, given that tires are available from a wide variety of non-tire specialist sources, one can only conclude that in a number of instances, incorrect replacement tires are mounted.

Please see responses to questions 2, 4 and 13.

15. What assistance do tire retailers provide consumers in selecting a tire with the correct load rating or index for their vehicle? ... Do the retailers routinely check the certification label information ... to ensure that the tire selected by the purchaser exceeds the GAWR/GVWR of the vehicle?

Response: This question would be better answered by the tire dealer associations. Nonetheless, in our opinion, good tire dealers do try to ensure that the right replacement tire gets mounted, one that safely satisfies the consumers need. Unfortunately, too often the consumer is preoccupied with price alone, and as long as some rubber gets mounted on the wheels, the lowest price tends to dictate. Should a reputable tire dealer be too insistent on maintaining load index to the detriment of price, given the wide availability of tires in Canada from other than tire dealers, our experience has been that consumers will simply go to sources that give them the price they want.

16. When motorists load a light vehicle (i.e. passenger car, light truck, SUV or a minivan with a GVWR of 10,000 lbs. or less), how do they determine whether the vehicle is capable, given the pressure to which the vehicles tires are inflated, of safely carrying the load? How frequently do they use the load rating information ... etc.?

Response: While some vehicle operators are knowledgeable and conscientious about such matters, the reality is that only few consumers understand the relationship between load and tire pressure. Furthermore motorists rarely know the weight of their vehicles, empty or loaded.

Visual and anecdotal evidence suggests that in such cases, consumers load their vehicle until they either get everything in, or until an eyeball inspection suggests that they have enough on board. At this point, they generally set off, perhaps and at least initially, driving more slowly or carefully.

17. Do consumers often overload their light vehicles? If so, to what extent? What factors contribute, etc... What allowance for such overloading should be included in passenger car tire load ratings? If passenger car tires are used on vehicles other than passenger cars, currently each tires load rating is to be reduced by 1.10.

Response: Given that all evidence indicates that motorists do operate their vehicles with under-inflated tires, it is equally likely that they operate their vehicles in a condition of tire overload. Current allowances in tire load rating are adequate; consumer knowledge clearly is not.

18. FMVSS 109 and 119 currently require that the actual number of plies used in the tread area and the sidewall be labeled on both sidewalls. FMVSS 109 also requires that the generic cord material used in the plies be indicated on the label. Should this information continue to be marked on the label etc...?

Response: Given the rationalization of the tire manufacturing and distribution industry, it is theoretically possible that two externally identical or similar tires could have different tire cord materials, and arrive at the same retailer, i.e., one could have nylon cord and the other polyester. Hence, also theoretically, a vehicle could end up with replacement tires having different tire cord being mounted on different corners of the same vehicle. Were this to occur, it could possibly result in changed vehicle handling characteristics for the vehicle affected. To ensure the continued safe matching of tires, it is desirable that the generic tire cord material used in a tire continues to be clearly identified.

19. FMVSS 109 and 119 require that tires be equipped with a tread wear indicator that enables motorists to determine visually whether tires have worn to a tread depth of 2/32 of an inch. Etc....

Response: the current arrangement and function of tire tread wear indicators is generally satisfactory and should be continued, with one amendment. Given the propensity of Canadian consumers to operate in slush and loose packed snow, presence of a tread-wear indicator in any major grove should be taken as evidence of tire wear-out.

20. The UTQGS provides consumer information on the tread wear, traction and temperature performance of passenger car tires. What changes to the UTQGS should the agency consider in order to make the ratings more easily understood and useful for consumers?

Response: The UTQGS is just one more instance of information that, at best, only serves to confuse consumers and, at worst, is totally ignored. Moreover, it is only applicable in the USA, other countries choosing to ignore it. In a rationalized North American market environment, it does not serve consumers in either country and should be discontinued.

21. Section 575.104(c) provides that the UTQGS apply to new pneumatic passenger tires. UTQGS does not apply to etc....

Response: See response to question 20 above. The UTQGS should be discontinued.

22. The speed rating of a tire is generally indicated on the tire although not required by either CMVSS 109 or 119. Should steps be taken to increase the likelihood that consumers purchase replacement tires with a speed rating at least as high as the rating specified by the vehicle manufacturer? Etc...

Response: The need to match replacement tires to the speed rating of the OE installed tires is a key element of vehicle safety, and another issue demanding attention in a broad and continuing consumer education program. Consideration might also be given in the new legislation, for example, to consider mandating that only tires having equivalent, or higher, speed rating be legally allowed as replacements. See prior comments on addressing consumer responsibility in the current review.

23. Should run-flat or extended mobility tires have that capability identified on the tire and/or on the vehicle certification label to ensure that consumers know...?

Response: Given that vehicles are generally designed to accommodate the differences in operating characteristics between an normal pneumatic tire and an extended mobility tire, our response is yes, on the tire as well as the placard.

24. What changes, if any, should be made in the labeling requirements applicable to retreaded tires?

Response: We have no comment to make at this time on the question of marking retreaded tires. As a matter of principle, we do not encourage the retreading of passenger and light truck tires. The retreading of medium truck tires is part of the tire's normal life cycle.

25. With respect to passenger cars, a placard containing the vehicle manufacturer's recommended cold tire inflation pressure is required by FMVSS 110 to be affixed to the glove compartment door or an equally accessible location... With respect to motor vehicles other than passenger cars, similar information is required ... to appear on the vehicle certification label or on the tire information label.

Response: The vehicle placard plays a critical part in the safe operation of a motor vehicle. Properly redesigned and used, it could add much to this capability. However, if it is to be useful, it must be easily found as well as read, an open question if the placard is found in different locations on every vehicle model.

26. The potential removal of the sidewall maximum inflation value.

Response: Unfortunately, consumer confusion arises because the same legislation is applied to the manufacture of passenger car, light truck and medium on-highway truck tires. At the same time however, the operating use of passenger car tires, light truck tires and medium on-highway truck tires is considerably different, as is the care and maintenance knowledge of the relevant operators.

Because on-highway trucks regularly operate at maximum loading, there is benefit in having the maximum operating inflation pressure clearly indicated on the side of the tire. In the case of passenger car tires and light truck tires, the implementation of some marking requirement that would direct operators to use the information contained on the vehicle tire placard would be preferable to the current use of maximum operating pressure

27. What type of information does the consumer require in order to maintain proper tire inflation pressures?

Response: The consumer needs to know the correct size and load index of the proper tire for his vehicle, along with the correct operating inflation pressure. This information is currently available, albeit not always easily. Mandating that only tires of proper load index be mounted as replacement tires would help, particularly given the tendency of consumers to allow price to sway tire choice, as well as their reluctance to maintain their tires. The use of simple pictographs illustrating the relationship of load and tire pressure on the vehicle placard and in the operators' manual could simplify and encourage the use of correct tire pressures for different load/operating conditions. This is particularly true where English is increasingly the second language of those operating vehicles on the road.

28. Tire types to be included or excluded from the current regulations.

Response: We have no comments to make in this area.

29. The use of contrasting colours in tire marking and changes to current height of letters and numerals in tire marking requirements.

Response: See response to questions 4 and 8 preceding. The issue needs to be considered as part of a broader evaluation of tire marking and consumer awareness.

30. Harmonization of international regulations and voluntary consensus.

Response: The CMVSS regulations are already maintained in regulatory harmony with the FMVSS regulations as a matter of Canadian policy. Given that there is no Canadian owned tire manufacturer, we choose to make no additional comment in this area.

31. Minimization of unnecessary differences internationally.

Response: The global tire industry began an industry co-operative process, for example, that included the development of GTS 2000. The intention was to start with passenger car tires and expand the process to include all the classes of on-highway tires. Regulators would do well to constructively review what is already accomplished and possible.